



THE CITY OF NEW YORK
LAW DEPARTMENT

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BY ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Steven Dejesus, et al. v. City of New York, et al.,
16-CV-3709 (FB)(RML)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel for the City of New York, and the attorney assigned to represent Defendant City of New York ("City") in the above-referenced matter. Defendant City writes respectfully to request a sixty (60) day enlargement of time until October 5, 2016 for Defendant City to answer or otherwise respond to the complaint. Plaintiffs' counsel, Ryan Lozar, Esq., consents to this request. No previous request for an extension has been made by Defendant City.

By way of background, the complaint alleges that on June 18, 2015, Plaintiffs Jon Martinez and Axel Garcia were unlawfully stopped in their vehicle by members of the NYPD, forcefully removed from the vehicle and searched, and then falsely arrested for a stabbing that had occurred in the vicinity shortly before then. The complaint further alleges that Plaintiff Steven Dejesus was in his home when this happened, and that members of the NYPD then forcefully entered his apartment without a warrant, conducted an unlawful search, and then falsely arrested him. According to the complaint, Plaintiffs Martinez and Garcia were released from the precinct after approximately 10 hours in custody. Plaintiff Dejesus was processed, arraigned on charges of assault, criminal possession of a weapon, menacing, and harassment, and spent approximately 5 days in custody before being released. The complaint states that the charges against Plaintiff Dejesus were dismissed on December 18, 2015. Plaintiffs now bring claims for, *inter alia*, false arrest, unlawful search and seizure, excessive force, malicious

There are several reasons for seeking an enlargement of time in this matter. In accordance with our obligations under Fed. R. Civ. P. 11, we need time to investigate the allegations set forth in the complaint. It is our understanding that the records of the underlying criminal action, including the police records, are currently sealed pursuant to N.Y. Crim. Pro. L. § 160.50 and/or 160.55. This office is in the process of forwarding to Plaintiffs' counsel for execution N.Y. Crim. Pro. L. § 160.50/160.55 releases authorizing this office to obtain documents pertaining to Plaintiffs' underlying detentions, arrests, and prosecution from the NYPD, District Attorney's Office and Criminal Court. Similarly, this Office requires medical provider authorizations for any facility in which Plaintiff received medical treatment for the injuries alleged to have been caused during this incident. Without these documents, Defendant City cannot meaningfully respond to the complaint.

In light of the foregoing, it is respectfully requested that the Court extend the time for Defendant City to answer or otherwise respond to the complaint until October 5, 2016. Thank you for your consideration of the application herein.

/s/

 Ariel S. Lichterman
 Assistant Corporation Counsel

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